

REMARKS

The Office Action of March 24, 2009 has been reviewed and the Examiner's comments carefully considered. Claims 10 and 14 have been cancelled herewith. New claim 22 has been added to the application and claims 1, 3, 5, 7-9, 12, 13, 18 and 20 are amended by the present Amendment. Accordingly, claims 1, 3, 5, 7-9, 11-13, and 15-22 are currently pending in this application, and claims 1, 9, 13, and 22 are in independent form. All of the amended claims and the added claim are fully supported by at least the contents of Paragraphs [0033] to [0036] and Figs. 3(A) to 3(E) of the present specification as originally filed, and do not contain any new matter.

35 U.S.C. §112, Second Paragraph, Rejections

Claims 1, 3, 5, 7, and 18-21 stand rejected under 35 U.S.C. §112, second paragraph, for asserted indefiniteness because it was unclear in independent claim 1 whether or not the body of the mold and the minor part have respective jointing structures or whether a single jointing structure exists on the main body. Independent claim 1 is amended herewith to more clearly recite that both the main body and the minor part have respective jointing structures. Claims 3, 5, 7, and 18-21 depend directly or indirectly from independent claim 1. As such, reconsideration and withdrawal of these claim rejections are respectfully requested.

35 U.S.C. §102(b) Rejections

Claims 1, 3, 5, 7-19 and 21 stand rejected under 35 U.S.C. §102(b) for asserted anticipation by U.S. Patent No. 5,013,297 to Cattanaach (hereinafter, "Cattanaach"). In view of the aforementioned amendments and the following remarks, the Applicant respectfully disagrees with these rejections.

Presently amended independent claim 1 is directed to a vaginal mold used in a reconstructed vagina having several structural features, such as a porous main body and a porous minor part, both of which support said reconstructed vagina. Since the configuration of the present vaginal mold including the porous main body and the porous minor part is detachable in the reconstructed vagina, as affirmatively recited in present claim 1, this means that both the porous main body and the porous minor part are capable of being put in the reconstructed vagina. Moreover, detaching the porous minor part from the porous main body

of the vaginal mold inside the vagina is one of the essential procedures to achieve a clinically successful result. A neovaginal reconstruction with a skin graft might fail when the vaginal mold is removed from the reconstructed vagina and detached from each other outside of the reconstructed vagina, since the skin graft may be displaced, peeled, inversed, and/or pulled if the minor part and the main body are moved at the same time (as described on Paragraph [0036] of the present specification).

The Examiner alleges that Cattnach discloses an apparatus being similar to the present vaginal mold, since Cattnach's apparatus also comprises a main body having a hollow columnar structure 2, a minor part 3 and a jointing structure between the main body 2 and the minor part 3. However, as shown in Fig. 1 of Cattnach, the minor part 3 is not porous and it would be impossible for the minor part 3 to have a porous structure since minor part 3 is a "douching solution container" as described in Col. 4, Line 6 of Cattnach. Moreover, since the douching solution container 3 contains the douching solution delivered into the vagina by pressure ("may be of a hand held, squeezable construction for delivering solution to discharge member 2" as described in Col. 4, Lines 27-28 of Cattnach), it would be impossible for the douching solution container 3 to be inserted into the vagina, support the vagina, or detach inside the vagina. Actually, Cattnach's apparatus, as illustrated and described in the application, is a "douching device" at most having a portion (i.e. the so-called main body 2) that is able to be placed within the vagina, and that is surely impossible to be "detachable in the vagina".

Based on the foregoing, Cattnach's apparatus, the douching device, is totally different from the vaginal mold of the presently amended claim 1, since the minor part 3 (douching solution container 3) is not porous, and it is impossible for the main body 2 (discharge member 2) and the minor part 3 to be detachable in the vagina.

Since the main body and the minor part of the present claim 1 are detachable from each other in the vagina and independently removable from the vagina, the vaginal mold of the present invention can be partially removed from the vagina to avoid the full thickness skin graft (FTSG) from being displaced, peeled, inversed and/or pulled during the removing process (as described in Paragraph [0036] of the present specification). Accordingly, the present invention is also advantageous over the prior art in avoiding the FTSG from being displaced etc. as aforementioned.

Moreover, it would be impossible for one of ordinary skill in the art to arrive at the presently claimed invention based on the teachings of Cattnach because Cattnach's douching device and the vaginal mold of the present invention are substantially structurally different from each other and have different intended purposes. As such, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejections to presently amended independent claim 1 and its dependent claims 3, 5, 7, 8, and 18 to 21, which add further limitations thereto, are respectfully requested.

By the same token, currently amended independent claims 9 and 13 are not anticipated by Cattnach. Claims 11-12 and claims 15-17 depend respectively from, and add further limitations to claims 9 and 13. As such, reconsideration and withdrawal of the 35 U.S.C. §102(b) rejections to presently amended independent claims 9 and 13 and their dependent claims 11-12 and 15-17 are also respectfully requested.

Newly added claim 22 is a corresponding method claim to claim 1, and as such, Applicant asserts that claim 22 should also be allowable over the art of record.

35 U.S.C. §103(a) Rejection

Claim 20 stands rejected under 35 U.S.C. §103(a) for asserted obviousness over Cattnach in view of U.S. Patent No. 7,276,056 to Abbott et al. (hereinafter, "Abbott") and further in view of U.S. Patent Application Publication No. 2003/0144639 to Gehling (hereinafter, "Gehling"). Claim 20 depends from, and adds further limitations to claim 1. As neither Abbott nor Gehling cures the deficiencies of Cattnach discussed herein, Applicant respectfully asserts that Claim 20 is not made obvious by the combination of these references. This is because neither Abbott nor Gehling teaches or discloses the vaginal mold as claimed in amended claim 1, wherein said porous main body and said porous minor part are covered by a full-thickness skin graft (FTSG), as indicated in amended claim 20. Thus, reconsideration and withdrawal of the obviousness rejection of claim 20 are respectfully requested.

Conclusion

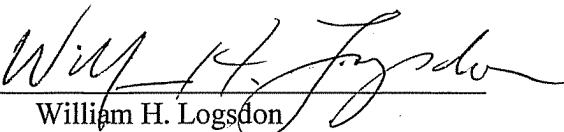
Based on at least the foregoing reasons, the presently claimed invention has distinguishable features not shown, taught, or suggested in the cited art. Therefore, Applicant

Application No. 10/829,594
Paper Dated: July 14, 2009
In Reply to USPTO Correspondence of March 24, 2009
Attorney Docket No. 3744-043984

submits that all of pending claims 1, 3, 5, 7-9, 11-13, and 15-22 are now in condition for allowance. An early action to this effect is respectfully solicited.

Respectfully submitted,

THE WEBB LAW FIRM

By 

William H. Logsdon
Registration No. 22,132
Attorney for Applicant
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com